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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/900,337	07/06/2001	Jean-Luc Bonifas	PHFR 000073	4942
24737	7590	12/19/2006	EXAMINER	
PHILIPS INTELLECTUAL PROPERTY & STANDARDS			KIM, KEVIN	
P.O. BOX 3001			ART UNIT	PAPER NUMBER
BRIARCLIFF MANOR, NY 10510			2611	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		12/19/2006	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

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<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/900,337	BONIFAS, JEAN-LUC	
	<b>Examiner</b>	<b>Art Unit</b>	
	Kevin Y. Kim	2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### **Status**

1) Responsive to communication(s) filed on 19 October 2006.

2a) This action is **FINAL**.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### **Disposition of Claims**

4) Claim(s) 3-5,7,8,11-13 and 15-20 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 3-5,8,11-13 and 16-20 is/are rejected.

7) Claim(s) 7,15 is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### **Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### **Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### **Attachment(s)**

<p>1) <input type="checkbox"/> Notice of References Cited (PTO-892)</p> <p>2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)</p> <p>3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)    Paper No(s)/Mail Date _____.</p>	<p>4) <input type="checkbox"/> Interview Summary (PTO-413)    Paper No(s)/Mail Date. _____.</p> <p>5) <input type="checkbox"/> Notice of Informal Patent Application</p> <p>6) <input type="checkbox"/> Other: _____.</p>
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## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed October 19, 2006 have been fully considered but they are not persuasive.

Applicant traverse the rejection of claims by contending that the Blasbalg et al patent fails to teach the proportional relationship between the quantity of redundancy bits and the error rate of the communication channel. But at col.1, lines 55-61 the Blasbalg et al patent states;

“the number of redundancy bits to be transmitted is varied in accordance with the received signal error rate. That is, as the error of the received signal increases the number of redundancy bits transmitted is increased to compensate for the error causing conditions.”

This teaching clearly suggests one skilled in the art to corporate into the system of Driessen the claimed relationship between the quantity of redundancy and the error rate of the communication channel.

### ***Claim Rejections - 35 USC § 103***

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. Claims 3-5,8,11-13 and 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Driessen et al (US 6,850,559 previously cited) in view of Blasbalg et al (US 3,700,820 previously cited).

Claims 3, 8, 11, 17 and 18.

Driesssen et al discloses a transmitter (110) and method designed for transmitting via a communication channel (130) frame of primary digital data protected against errors, comprising;

means for generating the frames (111) of primary digital data, see Figs.1 and 2;  
attribution means (220) for attributing a priority level to each of the frames of the primary digital data, see col. 6, lines 35-38,

forward error correction protection means for adding redundancy data packets (230) to the frames, see col.7, lines 3-7, wherein the added quantity of the redundancy data packets is a function of the level of the priority of the frame, see col. 2, lines 4-11, wherein;

the assignment of the priority/significance level to a frame/subunit involves a two-step process of identifying the type of data in the frame/subunit, see col.6, lines 55-60, and using a predetermined correspondence table that relates a particular level to the identified data.

Driesssen et al fails to teach the quantity of the redundancy data packets is also a function of the error rate of the communication channel. Blasbalg et al teaches that as the error rate of the received signal increases the number of redundancy bits transmitted is increased to compensate for the error causing conditions. See col.1, lines 55-61. Thus, it would have been obvious to one skilled in the art at the time the invention was made to vary the quantity of CRC bits proportionally to the error rate of the communication channel for the purpose of reducing error to an acceptable level.

Driesssen et al further describes that not transmitting lower priority data depending on the availability of bandwidth. See col. 10, lines 43-53.

Claims 4 and 12

Driesssen et al in view of Blasbalg et al discloses all the subject matter claimed except for a control means that limits the data rate to the maximum passband of the communication channel. However, since a data rate over the maximum data rate the communication channel can handle would cause increased error rate, it would have been obvious to one skilled in the art to provide a control means to limit the data rate to the maximum passband of the communication channel to set the error rate to an acceptable level.

Claims 5 and 13.

Driesssen et al discloses the frame generating means (111) delivers a single flow of data, thus having the data rate controlled by the control means (111).

Claim 16.

See col.12 describing various implementations including a programmed microcontroller.

Claim 19.

Driesssen et al describes not transmitting lower priority data depending on the availability of bandwidth. See col.10, lines 43-53.

Claim 20.

The assignment of the priority/significance level to a frame/sub-unit involves a two-step process of identifying the type of data in the frame/sub-unit, see col.6, lines 55-60, and using a predetermined correspondence table that relates a particular level to the identified data.

***Allowable Subject Matter***

4. Claims 7 and 15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Y. Kim whose telephone number is 571-272-3039. The examiner can normally be reached on 8AM --5PM M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jay Patel can be reached on 571-272-2988. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

December 16, 2006

AU 2611



KEVIN KIM  
PRIMARY PATENT EXAMINER